S.B.Criminal Misc.Petition No.1837/2007

Shri Mehboob
v.
State of Rajasthan

Date of Order :: 3rd December, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. P.C.Solanki, for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.

....

This misc. petition under Section 482 Cr.P.C. is preferred seeking enlargement of the applicant on bail against whom warrant of arrest is issued by Additional Chief Judicial Magistrate (SD) No.3, Jodhpur on 29.10.2007.

In brief, the factual background of the case is that a criminal case was lodged against the petitioner at police station Mahamandir for the offences punishable under Sections 366, 376 and 120-B IPC on 9.8.2007. An application preferred under Section 438 Cr.P.C. by the petitioner was accepted by learned Sessions Judge, Jodhpur vide order dated 1.9.2007. The investigating agency submitted challan against the petitioner on 29.10.2007 before learned Additional Chief Judicial Magistrate (SD) No.3, Jodhpur, however, as per the petitioner no information in this regard was received by him, thus, he failed to appear before the Court on the day concerned.

Accordingly, learned Additional Chief Judicial Magistrate (SD) No.3, Jodhpur issued a warrant of arrest against the petitioner.

It is contended by counsel for the petitioner that his absence before the learned Magistrate was bonafide as no information or notice was given to him.

Be that as it may, in totality of the facts and circumstances of the case, I consider it appropriate to direct the petitioner to surrender before the learned Sessions Judge, Jodhpur as early as possible and further the learned Sessions Judge, Jodhpur is directed to consider and decide on the same day the bail application, if any, preferred by the petitioner.

The misc. petition is disposed of accordingly.

(GOVIND MATHUR),J.

Kkm/ps.